

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

BRETT L. HENDERSON,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

Case No. 2:05-cv-358

Crim. No. 2:97-cr-00098

JUDGE SMITH

MAGISTRATE JUDGE KING

**OPINION AND ORDER**

On April 14, 2005, the Magistrate Judge issued a *Report and Recommendation* pursuant to Rule 4 of the Rules Governing Section 2255 Cases recommending that petitioner's motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. §2255 be dismissed as untimely. On April 28, 2005, petitioner filed objections to the *Report and Recommendation*. Petitioner requests that the Court liberally construe petitioner's pleadings so that he may obtain relief. *See Objections*. However, no other type of federal proceeding will provide petitioner the relief he is attempting to obtain here.

Pursuant to 28 U.S.C. 636(b)(1), this Court has conducted a *de novo* review of those portions of the *Report and Recommendation* objected to by petitioner. For the reasons discussed at length in the *Report and Recommendation*, petitioner's objections are **OVERRULED**.

The *Report and Recommendation* is hereby **ADOPTED AND AFFIRMED**. This case is **DISMISSED**.

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/s/ George C. Smith

GEORGE C. SMITH  
United States District Judge